

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-113-W - ORDER NO. 2008-551

AUGUST 8, 2008

IN RE: Tammy Johndrow of Goat Island Restaurant)	ORDER
and Goat Island Bait and Tackle Shop,)	
Complainant/Petitioner)	
)	
vs.)	
)	
Goat Island Water and Sewer Co., Inc.,)	
Defendant/Respondent)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Complaint of Tammy Johndrow on behalf of Goat Island Restaurant and Goat Island Bait and Tackle Shop against Goat Island Water and Sewer Company, Inc. (“the utility”). Ms. Johndrow seeks to have the Commission order the utility to modify the existing water system so as to allow water service to each of their businesses to be controlled independently of the other. Currently, water service cannot be turned off to only one of the businesses without shutting off the water supply to both. The utility seeks to have this Commission order Ms. Johndrow to pay disputed arrearages, and further seeks authority to assess the customer an additional \$60 flat monthly rate for residential service, since she and her family also reside on the same premises where they operate their businesses.

A hearing in this matter was held on May 7, 2008. Ms. Johndrow appeared pro se.¹ The utility was represented at the hearing by Richard L. Whitt, Esquire. The South Carolina Office of Regulatory Staff (“ORS”) was represented by Jeffrey M. Nelson, Esquire.

Ms. Johndrow and her husband John Johndrow purchased the restaurant in December of 1999. It is undisputed that since approximately March of 2000, following the purchase of the bait shop, Ms. Johndrow has been billed by the utility for two separate flat-rate, unmetered monthly service fees – one fee for the restaurant and the other for the bait shop. According to the records produced by the utility in the hearing, the account last had a zero balance in late August of 2007. Ms. Johndrow claims to have discontinued paying for water service to the bait shop after discovering that water service to the two businesses could not be independently turned on or off. She argued that she should only be assessed a single commercial service fee as long as there are not two independent taps.

The testimony offered by the Johndrows, on one hand, and that of the witnesses for the utility and for the Office of Regulatory Staff, on the other, is conflicting in several respects. Mr. Tim Oliver, the owner of the utility, testified that there are two water taps – one for each business – but that the two taps were interconnected at some point on the customer’s side of the service box. Mr. Willie Morgan of the ORS offered similar testimony. Neither Mr. Oliver nor Mr. Morgan was able to testify as to exactly where the alleged interconnection was located, and both witnesses appeared to rely solely upon

¹ Because Goat Island Restaurant and Goat Island Bait and Tackle Shop are unincorporated entities, Ms. Johndrow is entitled to appear pro se.

deducing that such an interconnection must exist from their assertion that water service to either building could not be completely turned off without turning off both valves. The Johndrows, however, each testified that the two businesses are served by a single master valve which controls the water service to both the restaurant and to the bait shop and residence. In any case, however, all of the parties apparently agree that the system cannot operate in its present configuration as two separate taps which can be turned on or off independently of one another. Mr. Morgan testified that this configuration does not meet current standards.

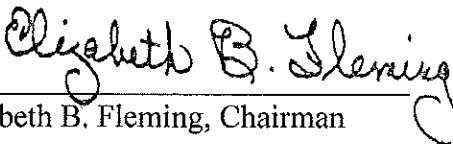
Accordingly, we find that the Johndrows should pay only one monthly flat-rate commercial charge of \$135 until the utility constructs a separate and independent water tap from which to provide service to the bait shop. This new water tap is to be installed at the expense of the utility. We further request that the Office of Regulatory Staff inspect the taps and confirm that they are operating properly after receiving notice that the utility has installed a new water tap to serve the bait shop. Once the ORS has confirmed that water service to each building may be turned on or off independently of the other, the utility may prospectively assess an additional monthly charge of \$135.

We disallow the utility's claim seeking to collect arrearages resulting from the Johndrows' refusal to pay a second flat-rate monthly charge of \$135 from the October 2007 bill forward. No part of our ruling, however, should be construed to entitle the Johndrows to seek any recovery of amounts already paid to the utility based upon any alleged overcollection of fees prior to October 2007.


Finally, we reject the utility's request that we authorize it to collect an additional monthly residential charge of \$60 from the Johndrows. The Johndrows would already be paying a flat-rate commercial charge of more than twice the residential rate, and their residence is presently served by the same tap as their businesses. Furthermore, the testimony of Ms. Johndrow indicates that the Johndrows' residence is located in the same commercial building which houses the bait shop. Accordingly, it would be unjust, under the existing flat-rate system, to assess the Johndrows an additional residential charge. Therefore, we reject the utility's request that we authorize the proposed additional residential charge.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)